

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION OPIATE LITIGATION) MDL 2804
THIS DOCUMENT RELATES TO:) Case No. 1:17-MD-2804
Track Three Cases) Judge Dan Aaron Polster
) ORDER REGARDING PHASE II
) DISCOVERY ORDER

Before the Court is Defendants' Objection to the Special Master's Phase II Discovery Order (Doc. #: 4252). For the reasons set forth below, the Objection is **SUSTAINED IN PART**.

Defendants object to two of the Special Master's rulings related to abatement-related discovery requests: (1) a request for updated custodial files for the two fact witnesses, April Caraway and Kim Fraser, whom plaintiffs intend to call at the abatement proceeding, and (2) Interrogatory No. 5, which asks plaintiffs to provide information, in a deidentified fashion, about the persons they seek to treat through their abatement plan. Doc. # 4252 at 1.

The Court **SUSTAINS** Defendants' first objection regarding the updated custodial files. The Court agrees the updated productions from these files are relevant to the upcoming abatement proceeding and should be produced. The failure to have previously addressed these documents appears to have been an inadvertent oversight. Accordingly, Plaintiffs are hereby ORDERED to produce these documents.

Regarding Defendants' second objection, the Court will wait to rule until Plaintiffs have an opportunity to respond. Plaintiffs are ORDERED to respond by noon on Monday, February 7, 2022.

IT IS SO ORDERED

/s/ Dan Aaron Polster January 31, 2022
DAN AARON POLSTER
UNITED STATES DISTRICT JUDGE .